

## EXCLUSION POLICY

**This policy has been written for all three sections of the School**

### Rationale

In line with the School's Mission Statement, we aim to help students develop their gifts and talents: spiritual and social; intellectual and emotional; aesthetic and physical through the provision of a broad and balanced curriculum, which is responsive to, and supportive of, their needs and aspirations, fosters intellectual curiosity and academic achievement, and motivates them to grow to their full potential. Our Mission Statement is distilled into our Vision Statement, and our aim is to develop our children, pupils and students so that they have "Strength of Mind, Strength of Values, Strength of Purpose".

### Introduction

The School recognises that it is unlawful to take into account anyone's gender, marital status, colour, race, nationality, ethnic or national origin, disability, religious beliefs, age or sexual orientation. Full consideration has been given to this during the formulation of this policy as it is our aim that no one at Ratcliffe should suffer discrimination, either directly or indirectly, or harassment on any of these grounds.

### Definitions

Where the following words or phrases are used in this policy:

References to **working days** mean Monday to Friday, when the School is open during term time. The dates of terms are published on the School's website. In the event that the application of this definition is likely to introduce excessive delays, due to intervening School holidays, the School's approach is to take sensible and reasonable steps so as to minimise any hardship or unfairness arising from such delays.

References to the **Headmaster** may include deputies.

References to **Parent** or **Parents** includes one or both of the parents, a legal guardian or education guardian.

References to the **Review** and **Review Hearing** are to the review by the Panel of the Headmaster's decision, in accordance with this policy.

References to the **Panel** are to the three-member panel selected by the Clerk to the Governors to undertake the Review.

### Aims

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

A decision to exclude a student, either for a fixed period or permanently, is seen as a last resort by the School. The physical and emotional health of our children and staff is our primary concern, and we therefore accept, that in some situations, exclusion may be necessary, if all other strategies have been exhausted, or if the behaviour is so extreme to warrant such action. The School is responsible for communicating to students, parents and staff its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct.

These are:

- Behaviour, Rewards and Sanctions Policy;
- Anti-Bullying Policy.

No exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation.

### **Reasons for exclusion:**

1. Serious breach of the School's rules or policies;
2. Risk of harm to the education or welfare of the child or others in the School.

Any permanent exclusion will be at the decision of the Headmaster, in consultation with the Governing Body, as appropriate.

### **Temporary Exclusion**

A temporary exclusion should be for the shortest time necessary. Ofsted evidence suggests that 1-3 days is usually enough to secure benefits without adverse educational consequences.

### **Persistent or Cumulative Problems**

Exclusion for a period of time from half a day to 5 days for persistent or cumulative problems may be imposed when the School had already offered and implemented a range of support strategies including, although not limited to, any or all of the following:

- Meetings with the child/student and their parents;
- Access to talking therapy via the School Counsellor or Listener or member of staff;
- Behaviour report or Behaviour Contract;
- Alternative sanctions, e.g. Saturday detention, internal suspension from lessons;
- Forfeit of opportunities such as sport or a School trip.

### **Single Incident**

Temporary exclusion may be used in response to a serious breach of School rules and policies. In such cases the Deputy Head Pastoral, Assistant Head, or Head of Boarding or a Head of Year will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the School's policies. The student will be given the opportunity to give his/her version of events and the member of staff investigating will check whether the incident may have been provoked, for example by bullying or racial harassment. If necessary, the investigating member of staff will consult with colleagues.

### **Permanent Exclusion**

A permanent exclusion is a very serious decision and the Headmaster will consult with the Deputy Head Pastoral and/or members of the Senior Leadership Team and the Chairman of Governors before enforcing it.

As with a temporary exclusion, it will follow a range of strategies and be seen as a last resort, or it will be in response to a very serious breach of School rules and policies such as:

- Serious actual or threatened violence against another pupil or a member of staff;
- Possession or use of an illegal drug on School premises or beyond School (See Drugs Policy);
- Persistent bullying;
- Persistent racial harassment.

### **The Decision to Exclude**

If the Headmaster decides to exclude a student, he will:

- Ensure that there is sufficient recorded evidence to support the decision;
- Explain the decision to the student;
- Contact the parents, explain the decision and ask that the student to be collected (exclusions can start the same day, but the School cannot make parents collect their child straightaway);
- Explain to the parents how to challenge the exclusion, if they so wish;
- Explain that, for the first 5 school days of an exclusion, it is the parents' responsibility to make sure their child is not in a public place during normal school hours unless there is a good reason. Parents can be prosecuted if their child is found in a public place when they are not supposed to be;
- Send a letter to the parents confirming the reasons for the exclusion, whether it is a permanent or temporary exclusion;
- The length of the exclusion and any terms or conditions agreed for the child's return;
- In cases of more than two days' exclusion, ensure that appropriate work is set and that arrangements are in place;
- Where appropriate, plan how to address the child's needs and integration back into their class on his/her return. This routinely involves a meeting with a senior member of staff to discuss the suspension and how best to manage questions and comments from other students, as well as reiterating the School's expectations with regard to appropriate behaviour.
- Where appropriate, plan a meeting with parents and child on his/her return.

### **Safeguarding**

- An exclusion will not be enforced if doing so may put the safety of the child at risk. In cases where parents will not comply, for example, by refusing to collect the child, the child's welfare is the priority. In this situation, depending on the reason for exclusion, the School may consider an internal exclusion until the end of the day, implementing the original exclusion decision from the time the child is collected from School, or, in more severe circumstances, the School may contact Social Services and/or the Police to safely take the pupil off site safely.

### **Behaviour Outside of School**

- The child's behaviour outside School on school business, e.g. on school trips, at sports fixtures, is subject to the School's Behaviour Policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in School.

- The child's behaviour outside school at all other times will only be subject to the School's Behaviour Policy if it could:
  - threaten the safety or well-being of members of the School community;
  - bring the good name of the School into disrepute.

### **Pupils with Special Educational Needs and/or Disabled Pupils**

- The School will make reasonable adjustments for managing behaviour which is related to a pupil's disability. Staff should seek advice from the Deputy Head Pastoral if they are unsure about how to manage a pupil's behaviour where this is related to a disability.
- Where permanent exclusion needs to be considered, the School will ensure that a pupil with a disability or special educational needs is able to present their case fully where their disability or special educational needs might hinder this.

### **Marking Attendance Registers Following Exclusion**

- When a pupil is excluded temporarily, he/she should be marked as absent using Code E.

### **Managed Move**

- In cases where the Headmaster and parents agree that the progress of the pupil has been unsatisfactory and the child is unwilling or unable to profit from the educational opportunities offered, or if a parent has treated the School or members of its staff unreasonably, the Headmaster may require the parents to remove the child at the end of a term. This is not exclusion and in such cases the Headmaster may assist the parents in placing the child in another school.

### **Removal from the School for Other Reasons**

- The Headmaster may send a child home, after consultation with that child's parents and a health professional, as appropriate, if the child poses an immediate and serious risk to the health and safety of other children and staff; for example' because of a diagnosed illness such as a notifiable disease. This is not an exclusion and should be for the shortest possible time.

### **Review**

- A pupil or his / her Parents may request a Review of the Headmaster's decision to permanently exclude or remove a pupil or where a decision has been made to exclude a pupil for a fixed term of 5 working days or more where such suspension would prevent a pupil from taking a public examination.
- Please see Appendix 1 for details about how to request a Review and the Review procedure..

### **Record keeping**

All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.

Administration of major punishments are recorded, with the name of the pupil concerned, the reason for the punishment including relevant dates, and the name of the person administering the punishment. This log is reviewed regularly by the Deputy Head Pastoral so that patterns in behaviour can be identified and managed appropriately.

**Links to other Policies**

Behaviour, Rewards and Sanctions Policy

Drugs Policy

Safeguarding and Child Protection Policy

Anti-Bullying Policy

**Review**

This policy was last reviewed by the Headmaster, December 2017

## **Appendix 1 Review procedure**

### **1 Review**

- 1.1 A pupil or his / her Parents may request a Review of the Headmaster's decision to permanently exclude or remove a pupil or where a decision has been made to exclude a pupil for a fixed term of 5 working days or more where such suspension would prevent a pupil from taking a public examination.
- 1.2 This procedure does not cover cases when a pupil has to leave because of ill-health, non-payment of fees, or withdrawal by his / her Parents.

### **2 How to request a Review**

- 2.1 A request for a Review must be put in writing to the Clerk to the Governors using the request form at Appendix 2. The request must be made within five working days of the date of the Headmaster's letter confirming his decision.
- 2.2 The request should include:
  - 2.2.1 a copy of all relevant documents and full contact details;
  - 2.2.2 the grounds on which the Parents are asking for a Review and the outcome desired;
  - 2.2.3 a list of the documents which the Parents believe to be in the School's possession and wish the Panel to consider; and
  - 2.2.4 whether the Parents propose to be accompanied to the Review Hearing by someone who is legally qualified.
- 2.3 For the avoidance of doubt, a mere disagreement with the decision of the Headmaster will not of itself be grounds sufficient for a Review.
- 2.4 If assistance with the request is required, for example because of a disability, this should be indicated in the request form.
- 2.5 The Clerk to the Governors will acknowledge the request for a Review in writing within three working days of receipt.
- 2.6 Every effort will be made to enable the Review to take place within 15 working days of receipt of the request.

### **3 Planning the Review**

- 3.1 The Clerk to the Governors will send written notification to each party of the date, time and place of the Review at least ten working days before the date of the Review.
- 3.2 Copies of any documents additional to those specified in the Review form that the Parents wish the Panel to consider should be sent to the Clerk to the Governors to be received at least seven working days prior to the Review.

- 3.3 On receipt of new information not previously available to the Headmaster before his decision was made, the Clerk to the Governors should contact the Chair of Governors who will decide whether to:
- 3.3.1 include the new information in the bundle; or
  - 3.3.2 omit the information if not relevant to the grounds for Review; or
  - 3.3.3 make further enquiries of the Parents or the pupil about the information or
  - 3.3.4 refer the information to the Headmaster for his consideration as to whether the decision should be revisited.
- 3.4 The Clerk to the Governors will circulate a copy of the bundle of documents to be considered by the Review Panel to all parties at least three working days prior to the Review.
- 3.5 The Parents may be accompanied at the Review Hearing, for example by a relative or friend. The Review is an internal proceeding, not legal proceedings, and legal representation is unnecessary.
- 3.6 The Parents are required to notify the Clerk to the Governors if they wish to be accompanied by someone who is legally qualified in their initial request for a Review. The Parents should note that the Panel will wish to speak to them directly. The legally qualified person will not be permitted to act as an advocate or to address the Review unless invited to do so by the Chair of the Panel.
- 3.7 A person will be appointed to take a minute of the Review Hearing.

#### 4 **Composition of the Panel**

- 4.1 The Panel will comprise at least three individuals who have no detailed prior knowledge of the case or of the pupil or the Parents and will not include the Chair of Governors. With the exception of the Chair of Governors, Governors not appointed to the Panel will not be provided with information about the case.
- 4.2 The Parents may ask the Clerk to the Governors to inform them who has been appointed to sit on the Panel ahead of the Review. Fair consideration will be given to any reasonable objection to a particular member of the Panel.
- 4.3 The Panel members will appoint one of themselves to be the Chair of the Panel throughout the proceedings.

#### 5 **Role of the Panel**

- 5.1 The role of the Panel is to consider:
- 5.2 **Whether the decision-making followed a fair process:** whether an appropriate procedure was followed allowing the facts of the case to be sufficiently proved when the decision was taken to permanently exclude or remove of the pupil. The civil standard of proof, namely, "the balance of

probability", will apply. Observance of the School's relevant policies and rules will be taken into account but may not be determinative.

- 5.3 **Whether the sanction was proportionate:** whether it was warranted in respect of the breach of discipline or the other events that are found to have occurred and to the legitimate aims of the School's policy in that respect.
- 5.4 In addressing the matters above, the Panel will consider the documentation provided by the parties, representations made by the parties and any other factors which the Panel considers to be relevant.
- 5.5 The Panel will determine whether to uphold the Headmaster's decision or refer the decision back to the Headmaster with recommendations so that he may consider the matter further.

## 6 **Review Hearing**

- 6.1 The Review will be conducted in an informal manner observing principles of natural justice.
- 6.2 During the Review, the parties shall have the opportunity to ask questions and make comments in an appropriate manner. The Review is not a legal proceeding and the Panel shall be under no obligation to hear oral evidence from witnesses but may do so and / or may take written statements into account.
- 6.3 All statements made at the Review will be unsworn. The parties will be entitled to write their own notes for reference purposes.
- 6.4 All those present during the Review are expected to show courtesy, restraint and good manners or, after due warning, the Review may be adjourned or terminated at the discretion of the Chair of the Panel. Any person who is dissatisfied with any aspect of the way the Review is being conducted must say so before the proceedings go any further and his / her comment will be minuted.
- 6.5 The Chair of the Panel may, at his / her discretion, adjourn the Review if he / she considers it appropriate to do so. This may include an adjournment for the parties to take legal advice on a specific issue arising.
- 6.6 A Review is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. The requirement is without prejudice to the parties' right to refer to the Panel's decision in any subsequent legal proceedings.
- 6.7 When the Chair of the Panel is satisfied that sufficient consideration has been given to the documentation provided and any representations made by the parties, he / she will conclude the Review Hearing.

## 7 **Decision**

- 7.1 The Panel's decision and any recommendations will be notified in writing, with reasons, to the Headmaster and the Parents by the Chair of the Panel or the Chair of Governors within three working days of the Review Hearing.

- 7.2 The Headmaster will provide his response to those recommendations, if appropriate, in writing within three working days.
- 7.3 In the absence of a significant procedural irregularity, the Headmaster's decision will then be final.

**Appendix 2 Form for requesting a Review**

To [•]

Subject [• name of pupil]

I / we request a Review of the Headmaster's decision to permanently exclude or require the removal of the above named pupil. I/we agree that the Review will be carried out in accordance with the School's review procedure and I / we agree to abide by the terms of that policy.

I / we confirm that I / we have parental responsibility for the above named pupil and that I / we have consulted the pupil who wishes the Review to be undertaken.

I / we understand that the Panel will be concerned with the fairness and proportionality of the Head's decision in accordance with the School 's existing policies (where applicable and relevant) on educational, pastoral care and administration matters.

I / we understand that we may be accompanied at the Review Hearing by a friend or relation. If I / we wish to bring a friend or relation who is legally qualified I / we set out details of this person below.

I / we will inform the Clerk to the Governors if I / we have any special needs or disabilities requiring additional facilities or adjustments.

The grounds upon which I / we seek a Review and the outcome which I / we seek are as set out below.

Grounds for Review	
Desired outcome	

Details of accompanying person if legally qualified	
List of all documents which we wish the Panel to consider (please enclose copies if you have them)	

Signed	Signed
Full name	Full name
Relationship to pupil	Relationship to pupil
Date	Date
Address	Address
Telephone number	Telephone number

(Two signatures required where practicable)